

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

7:07-CR-136-1-F
No. 7:09-CV-66-F

NOE MOLINA BENITEZ
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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O R D E R

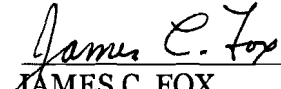
For good cause shown and in the interest of justice and judicial economy, as well as in the best interests of the parties, it hereby is ORDERED that the petitioner's motion to vacate the judgment [DE-25] entered herein on May 14, 2008 [DE-20] amending [DE-19], is ALLOWED in lieu of a contested evidentiary hearing. Subject to, and without waiver of, any terms or provisions of the parties' plea agreement [DE-17], the Government has consented to petitioner's claim pursuant to 28 U.S.C. § 2255 [DE-25]. The court acknowledges that petitioner's court-appointed counsel neither objects nor consents to the Government's motion.

The Amended Judgment [DE-20] entered herein is VACATED. The Clerk of Court is DIRECTED immediately to re-enter the Amended Judgment [DE-20] as of today's date, so as to re-set the clock for petitioner to note an appeal pursuant to Federal Rule of Appellate Procedure 4(b).

**THIS ORDER OTHERWISE EFFECTS NO CHANGE
IN ANY TERM OR CONDITION OF THE AMENDED JUDGMENT,
OR IN PETITIONER'S CUSTODY STATUS.**

SO ORDERED.

This, the 29th day of March, 2010.



JAMES C. FOX
Senior United States District Judge